IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13063 of 2004

Between:

T.Gangadhara Rao, s/o Appa Rao,
r/o Mangalagiri, Guntur District.

..... PETITIONER

AND

1 The Commissioner of Endowment, A.P.,Hyderabad.
2 The Deputy Commissioner of Endowments, Guntur.
3 The Asst.Commissioner of Endowments, Guntur.
4 The Executive officer of Sri Lakshmi Narasimha Swamy Temple, Mangalagiri, Guntur District.
5 P.Nageswara Rao, s/o Rama Rao,
r/o Mangalagiri, Mangalagiri Mandalam, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly a writ in the nature of mandamus directing the respondents herein not to implement the proceedings D.Dis.No.D1/49245/03 dated 30-10-2003 issued by the 1st respondent herein by declaring the same as illegal, void and without jurisdiction.

Counsel for Petitioner: MR.G.DHARMA RAO

Counsel for the Respondent Nos.1 to 3: The G.P. for Endowments. Counsel for the Respondent No.4: Mrs.N. INDRANI, S.C. for Temple.

Counsel for the Respondent No.5: Mr. Metta Chandra Sekhar Rao.

The Court made the following :

ORDER:

Heard learned counsel for both the parties.

The petitioner seeks a writ of Mandamus directing the respondents not to implement the proceedings dated 30.10.2003 issued by the second respondent.

Auction was held on 09.07.2003 in respect of leasehold rights for selling the coconuts, photos of Sri Lakshmi Narasimha Swamy Temple and pooja materials at Sri Lakshmi Narasimha Swamy Temple, Mangalagiri, Guntur District. The fifth respondent was the highest bidder and the period of lease was for one year from 27.8.2003 to 26.8.2004. The petitioner herein who claims to be the next highest bidder in the said auction filed this writ petition being aggrieved by the impugned proceedings dated 30.10.2003, issued by the second respondent, Deputy Commissioner of Endowments, Guntur whereunder the lease period in favour of the 5th respondent has been extended up to 26.9.2004 instead of 26.8.2004. The petitioner alleges that the extension of lease without assigning any reasons is arbitrary and illegal. It is also alleged that the said extension would result in heavy financial loss to the temple. Yet another contention raised is that since the fifth respondent has failed to deposit 3/4th of the bid amount as required under condition No.9 of the tender schedules, the auction itself is liable to be cancelled.

I am afraid that the relief as prayed for cannot be granted on any one of the grounds raised by the petitioner. The auction in question was held in the year 2003. The petitioner never raised any objection nor challenged the said auction on the alleged non-deposit of bid amount by the 5th respondent. Admittedly, the period of

lease expires by 26-08-2004 and under the impugned proceedings the 2nd respondent extended the lease period by one month. Even the said order was passed long back on 30-10-2003.

It is not the case of the petitioner that the Deputy Commissioner of Endowments has no jurisdiction to extend the lease period nor there is any allegation that it is contrary to statutory provisions. No mala fides are attributed against any one of the official respondents in granting extension. That apart, as can be seen from the impugned order, the extension of one month was granted since the 5th respondent could start the business with effect from 27-09-2003 instead of 27-08-2003. That being so, the allegation of the petitioner that the extension was granted without any reasons cannot be accepted. The writ petition is misconceived and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

G. ROHINI, J.

04th August 2004

Tsr.

To

1 The Commissioner of Endowment, A.P.,Hyderabad.
2 The Deputy Commissioner of Endowments, Guntur.
3 The Asst. Commissioner of Endowments, Guntur.
4 Two CCs to Government Pleader for Endowments, High Court Buildings, Hyderabad. (OUT)

5 The Executive Officer, Sri Lakshmi Narasimha Swamy Temple, Mangalagiri, Guntur District.

6 Two CD copies.